

REMARKS

Claims 59-61 were examined in the above-identified application. Claims 62-81 are added. Amendments have been made to the specification in response to the Examiner's remarks. No new matter has been added by these amendments. Examination and reconsideration of all pending claims are respectfully requested.

Supplemental Information Disclosure Statement

Applicants submit herewith a Supplemental Information Disclosure Statement (IDS). Applicants respectfully request that the Examiner expressly consider and initial the references of record in the Supplemental IDS and that the references appear among the references cited on any patent that issues.

Applicants note that U.S. Patent Nos. 6,027,514 (previously cited), 6,299,622 (previously cited), 6,447,525, 6,623,496, 6,629,953, and 6,638,233 are commonly owned by the assignee of the present application and some contain claims of similar scope to the pending claims.

Claim Rejections under 35 U.S.C. §102

Claims 59 and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Farr. Claims 59-61 are also rejected under 35 U.S.C. 102(b) as being anticipated by Mueller et al. Since claims 59-61 have been canceled, such rejections are moot.

Added Claims

To more fully claim the novel aspects of the present invention, Applicants have added new claims 62-81. The new claims are not anticipated or made obvious by the cited references.

New independent claim 62 provides an atherectomy catheter that comprises a catheter body comprising a proximal portion, a distal portion, and a longitudinal axis. A cutting window is disposed on the distal portion of the catheter body. An axially movable material

capture device is movable between a first axial position and a second axial position. In the first axial position, the material capture device is disposed within the catheter body. In the second axial position the material capture device extends outwardly from the cutting window and directs material from the body lumen into the cutting window.

In contrast, Farr provides a cutter 30 that is mounted in the housing for rotation about an axis which is substantially parallel to the longitudinal axis of the housing. As shown in FIG. 3A-3C of Farr, the rotating cutter 30 is not axially movable between a first and second axial position, as is required by claim 62. Moreover, there does not appear to be any suggestion in Farr to make the rotating cutter 30 axially movable. Consequently, new independent claim 62 is allowable over Farr. Since new dependent claims 63-71 rely on allowable independent claim 62, dependent claims 63-71 are allowable for at least the same reasons.

New independent claim 62 is also allowable over Mueller et al. As noted above, independent claim 62 provides a material capture device in a second axial position extends outwardly from the cutting window and directs material from the body lumen into the cutting window. Mueller et al. does not describe or suggest such a catheter. Instead, Mueller et al. describes a catheter that creates intravascular incisions in the plaque in the body lumen. *See* Mueller at col. 1, lines 62-67. The catheters of Mueller et al. are generally used to create axial incisions within the atheroma of the stenosed region in order to improve the success rate of subsequent balloon angioplasty. *See* Mueller et al. at col. 2, lines 39-48. There is no description or suggestion of a material capture device that directs material from the body lumen into the cutting window, as is required by claim 62. Consequently, independent claim 62 is allowable over Mueller et al. For at least the same reasons, dependent claims 63-71 are also allowable over Mueller et al.

Applicants have also added new independent claim 72. Claim 72 recites an atherectomy catheter that comprises a catheter body comprising a proximal portion and a distal portion that defines an outer diameter. A cutting window is disposed on the distal portion of the catheter body. An axially movable material removal assembly moves between a first axial position in which the material removal assembly is disposed within the outer diameter of the

catheter body, and a second axial position in which the material removal assembly extends outwardly from the cutting window beyond the outer diameter and directs material from the body lumen into the cutting window.

Independent claim 72 is allowable over Farr and Muller et al. for at least the same reasons noted above regarding new independent claim 62. Dependent claims 73-81 should be allowable at least for depending on an allowable independent claim.

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

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